

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

ROOSEVELT PHILLIPS, JR.

PETITIONER

V.

CAUSE NO. 4:22-CV-00008-DMB-JMV

STATE OF MISSISSIPPI

RESPONDENT

ORDER DENYING PETITIONER'S MOTION FOR RELEASE FROM CUSTODY

This matter comes before the Court upon Petitioner's motion [13] for release pending habeas corpus proceeding. In said motion, Petitioner asks this Court to order his release from custody pending resolution of the instant federal habeas corpus proceedings. Doc. # 13. It seems that Petitioner misunderstands the role of this Court at this time. The Court has not yet ruled on the merits of Petitioner's claims. As such, the Court lacks authority to order Petitioner's release from custody when he is currently in the custody of the State of Mississippi pursuant to a Mississippi state court judgment. *See* Doc. # 1. Moreover, the authority cited by Petitioner is inapplicable in these proceedings as such authority governs federal *appellate* proceedings, which this is not. Accordingly, the Court finds that Petitioner's motion [13] for release pending habeas corpus proceeding should be **DENIED**.

SO ORDERED, this the 19th day of July, 2022.

/s/Jane M. Virden

JANE M. VIRDEN

UNITED STATES MAGISTRATE JUDGE